tion of arbitration agreements impeded the progress of commercial law for over three centuries.

In the *De Keyser* case, an adjournment was taken after the argument on appeal, by direction of the Master of the Rolls, in order that a more complete search might be undertaken by the Crown, with the result that parliamentary acts and procedure were combed for precedents; and it is this research that engages the attention of the reader for most of the pages. The right of the Crown to take the property of a subject without his consent is justified here, as it was in the cases involving the emergency housing laws,[3] on the ground of necessity—*salus reipublicae suprema lex*. But the immediate question in the *De Keyser* case was "whether the subject is entitled to compensation for interference with his proprietary rights, the necessity for that interference being assumed, rather than whether the right to requisition itself rests upon any legal foundation." The historical inquiry developed that it was the uniform practice on the part of the Crown, down to 1914, *to compensate the subject where his property is taken for the public service, be it land, chattels or ships*. When this subject was under consideration in our own country during the war, the prevailing argument was that no citizen, because he chanced to have property which the Government needed, should be subjected, in consequence, to a greater burden than he should bear as a taxpayer and that the loss which he suffered by reason of the requisition of his property should be distributed among all taxpayers rather than fall upon him alone. In many instances in our country during the war it would have been complete ruin if this principle of compensation had not been accepted, for we took over entire terminal properties on requisition, like the Bush docks, where, in order to save the stockholders from unwarranted loss, the President of the United States directed an advance of a million dollars on account to be paid to the company, pending the determination of the compensation ultimately to be paid. It is interesting, therefore, to find that the result of the historical research of the Crown in the *De Keyser* case is that

"'it does not appear that the Crown has even taken for these purposes the land of the subject without paying for it, and that there is no trace of the Crown having, even in the times of the Stuarts, exercised or asserted the power or right to do so by virtue of the Royal Prerogative.'"

And it is comforting, also, to find that the English judges and lawyers found that *Dora* was not helped by any contrary treatment.

"It cannot contribute to the public safety for a subject to be deprived of compensation to which he is otherwise entitled. The Defence of the Realm is not promoted by denying compensation where it is due; the relief to the Treasury and the general body of tax-payers which results if one subject is to bear his own loss instead of the loss being ratably borne by the whole community is not what is meant by the Defence of the Realm."

And so it was concluded that the matter was not merely *ex gratia* and that the property owner was not dependent upon the bounty of the Crown but was entitled to compensation as a matter of right.

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JURISPRUDENCE. Sixth Edition. By SIR JOHN SALMOND. London: SWEET & MAXWELL. 1920. pp. xv, 512.

The usefulness of the volume on *Jurisprudence* by Sir John Salmond, Solicitor

[3] *Block* v. *Hirsh* (1921) 41 Sup. Ct. 458; *Marcus Brown Holding Co.* v. *Feldman* (1921) 41 Sup. Ct. 465.

General for New Zealand, is evidenced by the appearance of the Sixth Edition. This edition is practically a reprint of the previous edition with the omisson of the bibliography and an additional appendix expanding more fully the theory of sovereignty as applicab'e to the British Dominions and Protectorates.

This book is well known as one of the most serviceable volumes treating of the general principles of law and jurisprudence from the analytical point of view. The author does not confine himself to the narrow and limited doctrines of the earlier fo'lowers of this school in that he finds in the field of law a place for such concepts as natural law, international law, etc., and recognizes custom as an effective force in the process of law-making.

His definition of law, namely, that it consists of the rules recognized and acted on in courts of justice, is limited in its application chiefly to Anglo-American jurisdictions where judicial precedents are binding and does not fully explain the entire field of law for these countries.

The work fails to recognize and explain the process of law-making in continental European countries where the executive participates to a large extent, and the courts much less, in the law-making process. The opportunity of making some interesting and suggestive comparisons between the European and Anglo-American legal systems is, therefore, neglected.

The writer of the volume has little sympathy with historical jurisprudence and appears not to be interested in legal history or comparative legal philosophy. These defects render the volume somewhat unsatisfactory for use with students in elementary law and jurisprudence. In view of the wealth of the material which has appeared recently in legal history and legal philosophy it would appear that a work on jurisprudence should not ignore the contributions in these fields.

Despite these defects the volume deals in a satisfactory way with such matters as the nature and kinds of law, the sources of law, legal concepts such as rights, ownership, possession, persons, liability, and methods and procedure in the administration of justice. On the whole the work is the best brief text for courses in the elements of law, and deals with legal principles and concepts in a clear, concise and informative manner.

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